

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION**

<b>L. FOSTER CONSULTING, LLC,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Civil Action No. 3:11cv800</b>
	)	
<b>XL GROUP, INC.,</b>	)	
	)	
<b>Defendant.</b>	)	

**XL GROUP, INC.'S MOTION TO DISMISS**

Defendant, XL Group, Inc., by counsel, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure and Rule 7(F) of the Rules of the U.S. District Court for the Eastern District of Virginia, hereby moves this Court for an Order dismissing the Second Amended Complaint (Docket No. 45), filed by Plaintiff, L. Foster Consulting, LLC, on February 3, 2012, for the reasons more fully described in the accompanying Memorandum of Law filed herewith.

Dated: February 17, 2012

Respectfully submitted,

XL GROUP, INC.

/s/ Mary Elizabeth Davis

Mary Elizabeth Davis (VSB No. 41908)

E-mail: mdavis@spottsfain.com

Elliot P. Fitzgerald (VSB No. 76724)

E-mail: efitzgerald@spottsfain.com

Robert D. Michaux (VSB No. 80701)

E-mail: rmichaux@spottsfain.com

SPOTTS FAIN PC

411 East Franklin Street, Suite 600

Richmond, Virginia 23219

Telephone: (804) 697-2000

Facsimile: (804) 697-2100

*Counsel for XL Group, Inc.*

**CERTIFICATE OF SERVICE**

I, hereby certify that on the 17th day of February, 2012, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

Christopher C. Spencer (VSB No. 21878)  
E-mail: cspencer@ohaganspencer.com  
Eve Grandis Campbell (VSB No. 41490)  
E-mail: ecampbell@ohaganspencer.com  
O'Hagan Spencer LLP  
6806 Paragon Place, Suite 200  
Richmond, Virginia 23230  
Telephone: (804) 285-5200  
Facsimile: (804) 285-5210  
*Counsel for L. Foster Consulting, LLC*

/s/ Mary Elizabeth Davis  
Mary Elizabeth Davis (VSB No. 41908)  
E-mail: mdavis@spottsfain.com  
Elliot P. Fitzgerald (VSB No. 76724)  
E-mail: efitzgerald@spottsfain.com  
Robert D. Michaux (VSB No. 80701)  
E-mail: rmichaux@spottsfain.com  
SPOTTS FAIN PC  
411 East Franklin Street, Suite 600  
Richmond, Virginia 23219  
Telephone: (804) 697-2000  
Facsimile: (804) 697-2100  
*Counsel for XL Group, Inc.*